

REMARKS

[0003] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application based on this submission under 37 C.F.R. §1.114 and the accompanying fee under 37 C.F.R. §1.17(e). Applicant respectfully requests entry of the amendments to the claims and entry of all amendments to the specification. Additionally, Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 2, 6-9, 11, 22-24, 28, 31, 32, 43, 46-47, and 49 are presently pending. Claims 2, 6, 22, 31, and 43 are amended and claim 49 is added.

Formal Request for an Interview

[0004] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0005] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments and Additions

[0006] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 2, 6, 22, 31, and 43. The amendments are made to expedite prosecution and overcome the rejections under 35 U.S.C. §112, first paragraph, but the amendments should not be construed as further limiting the claims in response to the cited references. The claim amendments do not constitute new matter.

[0007] Furthermore, Applicant adds claim 49, which is directed towards requesting a time duration to access particular content from a client device and generating a partial license based on a formal license and a response from the client device specifying an output duration. Claim 49 is fully supported by the application and therefore does not constitute new matter. (*See* paragraph [0067] of the subject application).

Formal Matters

Specification

[0008] The Examiner objects to the amendment filed November 25, 2003, under 35 U.S.C. §132(a). Applicant respectfully submits that the declaration of Min Feng filed November 6, 2007, overcomes these objections. In particular, page 3 of the Action states, "Regarding the second change in Change B and Changes C and D, the argument concerning the addition of mod N to equations (4), (7), and (8) is persuasive."

[0009] Additionally, Applicant respectfully submits that the statements in the declaration of Min Feng regarding change A also overcome the objections under 35 U.S.C. §132. With respect to change A, pages 2 and 3 of the Action state:

"Regarding Change A, Min Feng's explanations are based in part on the assertion that N is a compound number; however, this property is not disclosed in the specification. Even if this were the case, Min Feng's fails to establish that one skilled in the art would necessarily replace N with $\Phi(N)$. It has not been established by these arguments that Change A does not constitute new matter."

However, with respect to Change A, the declaration of Min Feng states in part, "These errors can be detected and corrected by any one learn (sic) some number theory. They are some kind of typo. The changes are correct" (emphasis added). Thus, Applicant respectfully submits that the amendments to the specification of Change A would have been made by one of ordinary skill in the

art because one of ordinary skill in the art is at least someone that has learned some number theory. Accordingly, Applicant respectfully requests entry of the amendments of Change A. Further, Applicant has amended paragraph [0075] above in accordance with the declaration of Min Feng with respect to change E and respectfully requests entry of the amendment to paragraph [0075] on the same grounds as the second change of Change A.

[0010] In addition, with respect to the first change of Change B, the declaration of Min Feng indicates that $g \in Z_N^*$ is a subset of $g \in Z_N$. Thus, amending paragraph [0053] of the specification to specify $g \in Z_N^*$ rather than $g \in Z_N$ does not introduce new matter, but is rather a clarification as stated in the declaration of Min Feng. Accordingly, Applicant respectfully requests the entry of the amendment of the first change of Change B.

Substantive Matters

Claim Rejections under §112 1ST Paragraph

[0011] The Action rejects claims 1, 2, 6-9, 11, 22-24, 28, 43, 46 and 47 under §112, 1st paragraph, as failing to comply with the written description requirement. In particular, page 4 of the Action states:

“The claims contains (sic) subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 22, and 43 each incorporate new matter into the equations that were introduced in the amendment filed 25 November 2003 and which have not been overcome by Applicant’s arguments and affidavit.”

Applicant respectfully traverses these rejections.

Independent Claim 1

[0012] Applicant respectfully submits that claim 1 does not incorporate new matter, in particular the amendments with respect to change A discussed in the declaration of Min Feng. As explained previously, the amendments with respect to change A would have not have been recognized as new matter by one of ordinary skill in the art at the time the Application was filed. Accordingly,

Applicant respectfully submits that claim 1 is allowable and asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2, 6-9, and 11

[0013] Dependent claims 2, 6-9, and 11 ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. Accordingly, claims 2, 6-9, and 11 are also allowable at least by virtue of their dependency from claim 1 and Applicant asks the Examiner to withdraw the rejections of these claims.

Independent Claim 22

[0014] Applicant respectfully submits that the amendments to claim 22 overcome the rejection under 35 U.S.C. §112, first paragraph. Accordingly, Applicant respectfully submits that claim 22 is allowable and asks the Examiner to withdraw this rejection.

Dependent Claims 23, 24, and 28

[0015] Dependent claims 23, 24, and 28 ultimately depend upon independent claim 22. As discussed above, claim 22 is allowable. Accordingly, claims 23, 24, and 28 are also allowable at least by virtue of their dependency

from claim 22 and Applicant asks the Examiner to withdraw the rejections of these claims.

Independent Claim 31

[0016] Applicant has amended claim 31 in accordance with the declaration of Min Feng with respect to change E. As explained previously, the amendments with respect to change E do not introduce new matter. Accordingly, Applicant respectfully submits that claim 31 is allowable and asks the Examiner to withdraw the rejection of this claim.

Dependent Claim 32

[0017] Dependent claim 32 ultimately depends upon independent claim 31. As discussed above, claim 31 is allowable. Accordingly, claim 32 is also allowable at least by virtue of its dependency from claim 31 and Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 43

[0018] Applicant respectfully submits that the amendments to claim 43 overcome the rejection under 35 U.S.C. §112, first paragraph. Accordingly,

Applicant respectfully submits that claim 43 is allowable and asks the Examiner to withdraw this rejection.

Dependent Claims 46 and 47

[0019] Dependent claims 46 and 47 ultimately depend upon independent claim 43. As discussed above, claim 43 is allowable. Accordingly, claims 46 and 47 are also allowable at least by virtue of their dependency from claim 43 and Applicant asks the Examiner to withdraw the rejections of these claims.

Independent Claim 49

[0020] Applicant respectfully submits that new claim 49 is allowable because the cited art does not teach or suggest all of the features of claim 49. In particular, Applicant respectfully submits that the cited portions of the primary reference, U.S. Patent No. 6,226,618 ("Downs") do not teach or suggest at least the following features of claim 49:

- "receiving a formal license at a license authority from a content publisher, the formal license including a decryption key and access rules relating to particular content, wherein the access rules specify a plurality of time durations to access particular content based on respective payment amounts"

- “sending a request from the license authority to the client device for additional information specifying an output duration to access the particular content”
- “generating the partial license at the license authority based on the formal license and a response received from the client device specifying the output duration”

[0021] In contrast to claim 49, the cited portions of Downs teach setting allowable usage conditions (e.g. number of plays or whether or not secondary copies of the content are allowed) relating to particular content and sending the allowable usage conditions to client devices in a secure container. (*See* Downs, col. 21, ll. 23-42). Additionally, the cited portions of Downs teach requesting a content secure container(s) after receiving a license secure container(s) and decrypting content after receiving the content secure container(s). (*See* Downs, col. 24, ll. 48-62). However, the cited portions of Downs do not teach or suggest a license authority sending a request to a client device for additional information specifying an output duration to access particular content and generating a partial license based on a formal license and a response received from the client device specifying the output duration, as in claim 49. Accordingly, claim 49 is allowable because the cited art does not teach or suggest each feature of claim 49.

Conclusion

[0022] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC

/Trevor Lind/ Dated: July 22, 2008

Trevor Lind (trevor@leehayes.com; 512-505-8165)

Registration No. 54785

Emmanuel Rivera (emmanuel@leehayes.com; 512-505-8162)

Registration No. 45760

Customer No. **22801**

Facsimile: (509) 323-8979

www.leehayes.com